

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA

- v. -

OVIDIO OCHOA,
a/k/a "Old Man,"

Defendant.

- - - - - x

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/3/18

SEALED SUPERSEDING
INDICTMENT

S4 18 Cr. 00037 (PGG)

COUNT ONE

The Grand Jury charges:

1. From at least in or about 2000, up to and including in or about June 2017, in the Southern District of New York, Mexico, and elsewhere, and in an offense begun outside of the jurisdiction of any particular State or district of the United States, OVIDIO OCHOA, a/k/a "Old Man," the defendant, who is expected to be first brought to and arrested in the Southern District of New York, and others known and unknown, at least one of whom is expected to be first brought to and arrested in the Southern District of New York, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that OVIDIO OCHOA, a/k/a "Old Man," the defendant, and others known and unknown, would and did import into the United States and into the customs territory of the United States from a place outside thereof

controlled substances, in violation of Title 21, United States Code, Sections 952(a) and 960(a)(1).

3. It was further a part and an object of the conspiracy that OVIDIO OCHOA, a/k/a "Old Man," the defendant, and others known and unknown, would and did manufacture and distribute controlled substances, intending, knowing, and having reasonable cause to believe that such substances would be unlawfully imported into the United States and into waters within a distance of 12 miles of the coast of the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 959(a) and 960(a)(3).

4. The controlled substances that OVIDIO OCHOA, a/k/a "Old Man," the defendant, conspired to (i) import into the United States and into the customs territory of the United States from a place outside thereof, and (ii) manufacture and distribute, intending, knowing, and having reasonable cause to believe that such substances would be unlawfully imported into the United States and into waters within a distance of 12 miles of the coast of the United States from a place outside thereof, were (i) 1000 kilograms and more of mixtures and substances containing a detectable amount of marihuana, in violation of Title 21, United States Code, Section 960(b)(1)(G); and (ii) five kilograms and more of mixtures and substances containing a detectable amount of cocaine, its salts,

optical and geometric isomers, and salts of isomers, in violation of Title 21, United States Code, Section 960(b)(1)(B).

(Title 21, United States Code, Sections 959(d) and 963; and Title 18, United States Code, Section 3238.)

COUNT TWO

The Grand Jury further charges:

5. From at least in or about 2000, up to and including in or about June 2017, in the Southern District of New York, Mexico, and elsewhere, and in an offense begun outside of the jurisdiction of any particular State or district of the United States, OVIDIO OCHOA, a/k/a "Old Man," the defendant, who is expected to be first brought to and arrested in the Southern District of New York, and others known and unknown, at least one of whom is expected to be first brought to and arrested in the Southern District of New York, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

6. It was a part and an object of the conspiracy that OVIDIO OCHOA, a/k/a "Old Man," the defendant, and others known and unknown, would and did distribute and possess with the intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

7. The controlled substances that OVIDIO OCHOA, a/k/a "Old Man," the defendant, and others known and unknown, conspired to

distribute and possess with the intent to distribute were (i) 1000 kilograms and more of mixtures and substances containing a detectable amount of marihuana, in violation of Title 21, United States Code, Section 841(b)(1)(A); and (ii) five kilograms and more of mixtures and substances containing a detectable amount of cocaine, its salts, optical and geometric isomers, and salts of isomers, in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Section 846; and Title 18, United States Code, Section 3238.)

FORFEITURE ALLEGATIONS

8. As a result of committing the offenses alleged in Counts One and Two of this Superseding Indictment, OVIDIO OCHOA, a/k/a "Old Man," the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Sections 853 and 970, any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said offenses and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

SUBSTITUTE ASSET PROVISION

9. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third person;

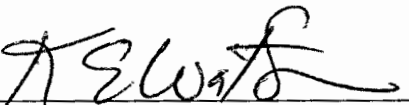
(c) has been placed beyond the jurisdiction of the Court;

(d) has been substantially diminished in value; or

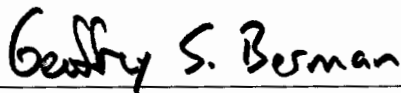
(e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28 United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 981 and 492;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)



Foreperson



GEOFFREY S. BERMAN
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

OVIDIO OCHOA,
a/k/a "Old Man,"

Defendant.

SEALED SUPERSEDING INDICTMENT

S4 18 Cr. 00037 (PGG)

(21 U.S.C. §§ 846, 959(d), 963; and 18
U.S.C. § 3238.)

GEOFFREY S. BERMAN
United States Attorney.



Foreperson

May 3, 2018
Sealed

Filed ^v Fourth Superseding Indictment.
U.S.M.J. Debra Freeman